REMARKS

A. Status of the Application

- Claims 65-97 are pending in the application, of which claims 65 and 88 are independent claims.
- Claim 65 is amend to recite that the method if performed by a processor. Claim 88 is amended to correct an obvious grammatical error.
- Claims 1-64 were previously cancelled.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

B. Rejection Under 35 U.S.C. § 101

The Examiner rejected independent claim **65** and dependent claims **66-74** under 35 U.S.C. § 101 because the claims allegedly are "directed to non-statutory subject matter." Examiner's Answer, p. 2. Specifically, the Examiner requires that a "process must be tied to another statutory class (such as a particular apparatus)." *Id.*

Claim **65** is amended to recite that the method is performed by a processor. However, this amendment is made for expedience of issuance and not for a reason related to patentability. Specifically, each of the method steps of claim **65**, as amended, is tied to an apparatus, i.e., a "processor" or a "remote device." The processor performs each of the method steps in accordance with "a program that is stored in a memory."

For at least this reason, claims **65** (and claims **66-74** which depend therefrom) overcome the rejection under 35 U.S.C. § 101.

C. Rejections Under 35 U.S.C. § 102

1. First Group: Independent Claims 65 and 88 – No Prima Facie Showing of Anticipation

Applicants refer to the arguments on this point in the Appeal Brief. Appeal Brief, pp. 5-7.

The Examiner provides no explanation as to why he disagrees with Applicants' arguments in the Appeal Brief. He simply states that he disagrees with Applicants' assertion that "the item underlying the Kossovsky options is an actual patent, not the IP index," and then he repeats, verbatim, his previously stated arguments from the Final Office Action of May 22, 2008 ("Final Action"). Examiner's Answer, p. 9. The Examiner makes no effort to rebut Applicants' arguments in the Appeal Brief. The Examiner's interpretation of the reference is at odds with the language of the reference and the ordinary meaning of the terms in the reference such as "patent" and "index." Since there is no evidence or reasoning in the record on this point, Applicants are forced to guess at the Examiner's interpretation of the reference and the claim terms.

For at least this reason, the Examiner has not made *a prima facie* case of anticipation for claims **65** and **88**.

2. Second Group: Claims 68 and 91 – No Prima Facie Showing of Anticipation

Applicants refer to the arguments on this point in the Appeal Brief. Appeal Brief, p. 7.

The Examiner provides no explanation as to why he disagrees with Applicants' arguments in the Appeal Brief. He simply states that he disagrees with Applicants' assertion that "Kossovsky does not teach wherein the plurality of companies are identified

based at least on a value associated with an intellectual property asset portfolio for each of the plurality of companies," and then he repeats, verbatim, his previously stated arguments from the Final Office Action of May 22, 2008 ("Final Action"). Examiner's Answer, p. 13. The Examiner makes no effort to rebut Applicants' arguments in the Appeal Brief. The Examiner's interpretation of the reference is at odds with the language of the reference and the ordinary meaning of the terms, such as "portfolio." Since there is no evidence or reasoning in the record on this point, Applicants are forced to guess at the Examiner's interpretation of the reference and the claim terms.

For at least this reason, the Examiner has not made a *prima facie* case of anticipation for claims **68** and **91**.

3. Third Group: Claims 69 and 92 – No Prima Facie Showing of Anticipation

Applicants refer to the arguments on this point in the Appeal Brief. Appeal Brief, p. 8.

The Examiner provides no explanation as to why he disagrees with Applicants' arguments in the Appeal Brief. He simply states that he disagrees with Applicants' assertion that "Kossovsky does not teach a number of citations to the at least one patent," and then he repeats, verbatim, his previously stated arguments from the Final Office Action of May 22, 2008 ("Final Action"). Examiner's Answer, pp. 13-14. The Examiner makes no effort to rebut Applicants' arguments in the Appeal Brief. The Examiner's interpretation of the reference is at odds with the language of the reference and the ordinary meaning of the terms, such as "citations." Since there is no evidence or reasoning in the record on this point, Applicants are forced to guess at the Examiner's interpretation of the reference and the claim terms.

For at least this reason, the Examiner has not made a *prima facie* case of anticipation for claims **69** and **92**.

4. Fourth Group: Claims 70 and 93 – No Prima Facie Showing of Anticipation

Applicants refer to the arguments on this point in the Appeal Brief. Appeal Brief, pp. 8-9.

The Examiner provides no explanation as to why he disagrees with Applicants' arguments in the Appeal Brief. He simply states that he disagrees with Applicants' assertion that "Kossovsky does not teach a number of patents issued to the company by a national patent office," and then he repeats, verbatim, his previously stated arguments from the Final Office Action of May 22, 2008 ("Final Action"). Examiner's Answer, pp. 14-15. The Examiner makes no effort to rebut Applicants' arguments in the Appeal Brief. The Examiner's interpretation of the reference is at odds with the language of the reference and the ordinary meaning of the terms. Since there is no evidence or reasoning in the record on this point, Applicants are forced to guess at the Examiner's interpretation of the reference and the claim terms.

For at least this reason, the Examiner has not made a *prima facie* case of anticipation for claims **70** and **93**.

5. Fifth Group: Claims 71 and 94 – No Prima Facie Showing of Anticipation

Applicants refer to the arguments on this point in the Appeal Brief. Appeal Brief, p. 9.

The Examiner provides no explanation as to why he disagrees with Applicants' arguments in the Appeal Brief. He simply states that he disagrees with Applicants' assertion that "Kossovsky does not teach the age of at least one patent," and then he repeats, verbatim, his previously stated arguments from the Final Office Action of May 22, 2008 ("Final Action"). Examiner's Answer, pp. 15-16. The Examiner makes no effort to rebut Applicants' arguments in the Appeal Brief. The Examiner's interpretation of the reference is at odds with the language of the reference and the ordinary meaning of the terms. Since there is no evidence or reasoning in the record on this point, Applicants are forced to guess at the Examiner's interpretation of the reference and the claim terms.

For at least this reason, the Examiner has not made a *prima facie* case of anticipation for claims **71** and **94**.

D. General Comments on Dependent Claims

Each dependent claim is patentable for at least the same reasons as the independent claim on which it depends. Thus, Applicants believe that it is unnecessary at this time to argue the allowability of each dependent claim individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

E. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as a concession of any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Respectfully submitted,

Date: September 23, 2008

_/Ruth J. Ma/_____

Innovation Division
Cantor Fitzgerald, LLP
110 East 59th Street
New York, NY 10022

Ruth J. Ma, Reg. No. 55,414
Attorney for Applicant
Tel. No. (857)413-2056
Fax. No. (947) 591-9257